

Union Calendar No. 1205

84th Congress, 2d Session

House Report No. 2948

IMPROPER USE OF
GOVERNMENT EQUIPMENT AND
GOVERNMENT PERSONNEL
(Immigration and Naturalization Service)

TWENTY-SIXTH INTERMEDIATE REPORT
OF THE
COMMITTEE ON GOVERNMENT
OPERATIONS



JULY 27, 1956.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1956

71006

COMMITTEE ON GOVERNMENT OPERATIONS

WILLIAM L. DAWSON, Illinois, *Chairman*

CHET HOLIFIELD, California	CLARE E. HOFFMAN, Michigan
JOHN W. McCORMACK, Massachusetts	R. WALTER RIEHLMAN, New York
EARL CHUDOFF, Pennsylvania	CECIL M. HARDEN, Indiana
JACK BROOKS, Texas	CHARLES B. BROWNSON, Indiana
LESTER HOLTZMAN, New York	GEORGE MEADER, Michigan
ROBERT H. MOLLOHAN, West Virginia	CLARENCE J. BROWN, Ohio
L. H. FOUNTAIN, North Carolina	GLENARD P. LIPSCOMB, California
PORTER HARDY, Jr., Virginia	B. CARROLL REECE, Tennessee
JOHN A. BLATNIK, Minnesota	J. ARTHUR YOUNGER, California
ROBERT E. JONES, Alabama	VICTOR A. KNOX, Michigan
EDWARD A. GARMATZ, Maryland	OTTO KRUEGER, North Dakota
JOHN E. MOSS, California	CHARLES R. JONAS, North Carolina
JOE M. KILGORE, Texas	WILLIAM E. MINSHALL, Ohio
DANTE B. FASCELL, Florida	
MARTHA W. GRIFFITHS, Michigan	
HENRY S. REUSS, Wisconsin	

CHRISTINE RAY DAVIS, *Staff Director*
ORVILLE S. POLAND, *General Counsel*
WILLIAM PINGUS, *Associate General Counsel*
HELEN M. BOYER, *Minority Professional Staff*

LEGAL AND MONETARY AFFAIRS SUBCOMMITTEE

ROBERT H. MOLLOHAN, West Virginia, *Chairman*

JOHN A. BLATNIK, Minnesota	GEORGE MEADER, Michigan
JOE M. KILGORE, Texas	J. ARTHUR YOUNGER, California
MARTHA W. GRIFFITHS, Michigan	WILLIAM E. MINSHALL, Ohio
EARL CHUDOFF, Pennsylvania	

MEMBERS EX OFFICIO

WILLIAM L. DAWSON, Illinois	CLARE E. HOFFMAN, Michigan
CURTIS E. JOHNSON, <i>Staff Director</i>	
JEROME S. PLAFINGER, <i>Counsel</i>	
HAL CHRISTENSEN, <i>Associate Counsel</i>	
A. CARL CAREY, Jr., <i>Assistant Counsel</i>	
STANLEY FISHER, <i>Accountant-Investigator</i>	
JOHN L. ANDERSON, <i>Investigator</i>	
ELIZABETH HEATER, <i>Clerk</i>	

II

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 27, 1956.

HON. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: By direction of the Committee on Government Operations, I submit herewith the twenty-sixth intermediate report of its Subcommittee on Legal and Monetary Affairs.

WILLIAM L. DAWSON, *Chairman.*

III

Union Calendar No. 1205

84TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } No. 2948

IMPROPER USE OF GOVERNMENT EQUIPMENT AND GOVERNMENT PERSONNEL

(Immigration and Naturalization Service)

July 27, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. DAWSON of Illinois, from the Committee on Government
Operations, submitted the following

TWENTY-SIXTH INTERMEDIATE REPORT

SUBMITTED BY THE LEGAL AND MONETARY AFFAIRS
SUBCOMMITTEE

On July 25, 1956, the Committee on Government Operations had before it for consideration the report of its subcommittee entitled "Improper Use of Government Equipment and Government Personnel (Immigration and Naturalization Service)."

After full consideration of the report as submitted by the subcommittee, upon motion made and seconded, the report was unanimously approved and adopted as the report of the full committee. The chairman was directed to transmit a copy to the Speaker of the House.

Periodically, the Subcommittee on Legal and Monetary Affairs has inquired into the activities of the Immigration and Naturalization Service. As one of the agencies in the Department of Justice which is in the jurisdiction of the subcommittee, a study was made last year of the reorganization of the Immigration and Naturalization Service and also of deportation procedures as practiced by the Service.

Early this year, the subcommittee received a number of reports that at the direction of Gen. Joseph M. Swing, Commissioner of Immigration and Naturalization, Government equipment and Government personnel had been taken into Mexico on hunting trips for the pleasure of General Swing and other Government officials. It was further reported that on one of these occasions General Swing and other Government personnel connected with the party hunted without licenses and had their guns seized temporarily by a game warden.

Reports had also been received that during Operation Alert in 1955, General Swing had ordered three house trailers to be hauled over 1,500 miles to the Immigration and Naturalization Service's relocation center even though adequate hotel accommodations were available.

The subcommittee directed that an investigation of the charges be undertaken. Members of the staff went to Texas and Mexico to gather firsthand information. Hearings were held on July 5 and 6, 1956, with Gen. Joseph M. Swing and Dewitt Marshall, Deputy Chief of the Border Patrol, as witnesses.

ENTERTAINMENT OF MEXICAN OFFICIALS

In the hearings, General Swing readily admitted having gone on several hunting trips into Mexico and Canada. During the hearings, he submitted the following list of trips and the names of Mexican officials who were present:

1. Date and place: November 13, 1954, Rouses Point.
Purpose: Inspection of United States border installations and conference with United States officials, including Member of Congress.
Present, United States: Swing, Carter.
Present, Canada: One Canadian immigration official.
 2. Date and place: September 3-4, 1955, Tamaulipas, Mexico.
Purpose: Conference with Mexican officials.
Present, United States: Swing, Carter, Quandt, Gilman, Harrison, Amthor, Hinton, Woolley.
Present, Mexico: See below.¹
 3. Date and place: September 30-October 1, 1955, Assiniboia, Saskatchewan, Canada.
Purpose: Conference on border problems with RCMP.
Present, United States: Swing, Carter, Pilliod, Farrell.
Present, Canada: Two RCMP officials.
 4. Date and place: November 4-6, 1955, Tamaulipas, Mexico.
Purpose: Conference with Mexican officials and inspection of Monterey Bracero Center.
Present, United States: Swing, Carter, Gilman, Harrison, Amthor, Woolley, Carnahan.
Present, Mexico: See below.¹
 5. Date and place: January 12-15, 1956, Tamaulipas, Mexico.
Purpose: Same as No. 2.
Present, United States: Swing, Carter, Carnahan, Gilman, Harrison, Ball, Woolley.
Present, Mexico: See below.¹
- In the course of questioning, General Swing denied emphatically that he had made a hunting trip to Mexico in December 1955. He stated:

Mr. PLAPINGER. General, I believe you said the next trip was January 12 to 15, 1956?

General SWING. Yes.

Mr. PLAPINGER. It was into the same general area. Had there been any plans between the early November trip and the January trip to take another trip?

¹ Two or more of the following Mexican officials were present at each one of these meetings: Enrique Moreno Olaguibel, chief, Mexican Border Patrol; Ricardo Solezzi, chief of police, Matamoros; Pablo Macias Hernandez, chief of customs, Matamoros; Gonzalo Oropeza, assistant chief of customs, Matamoros; Venustiano Guerra Garcia, Federal and State judge, Matamoros region; Dr. Pablo Balboa, Mexican Public Health Service; Antonio Guerra, Francisco Saenz, Emilio Carpio, Luis Garza Soto, Mexican customs officers.

General SWING. Yes, there had been.

Mr. PLAPINGER. When was that, sir?

General SWING. That was December 1 or 2 or some time like that.

Mr. PLAPINGER. What happened to those plans, sir?

General SWING. They did not materialize.

Mr. PLAPINGER. Where was that trip to be, sir?

General SWING. As I recall, I thought I might be able to get down there in early December. But I did not do it. (See also p. 134.)

Although at the hearing on July 6, 1956, General Swing had been accorded the opportunity to submit additional information to clarify the record, by July 14, 1956, none had been received by the subcommittee. On that day, acting on the basis of newly discovered information, the chairman wrote to General Swing apprising him of a report that on December 17, 1954, the general, accompanied by several named border patrol employees, had gone into Mexico on a hunting trip and had used for this purpose 3 motor vehicles and 1 house trailer which were described by make and license number.

On July 18, 1956, the Immigration and Naturalization Service submitted, among other documents, a "revised" list of hunting trips which included the trip of December 17, 1954, and also the trip in December of 1955 of which the general, as noted above, had so positively sworn he had no knowledge.

On July 19, 1956, the chairman received a letter from General Swing admitting the December 1954 hunting trip to Mexico.

It is noteworthy that the "revised" list and the letter admitting the December 1954 trip were submitted more than 2 weeks after the conclusion of the hearings and after General Swing had received the chairman's letter confronting him with specific references to the vehicles used and the names of several of the persons accompanying him on the trip.

The revised list of hunting trips, which included the above-mentioned two trips, was submitted to the chairman by General Swing's office, as follows:

1. Date and place: November 13, 1954, north of Rouses Point, N. Y.

Purpose: Inspection of United States border installations and conference with United States officials.

Present, United States: Swing, Carter.

Present, Canada: One Canadian immigration official.

2. Date and place: December 17, 18, and 19, 1954, near Matamoros, Tamaulipas, Mexico.

Purpose: Inspect Service operations in the area and confer with Mexican officials on border problems.

Present, United States: Swing, Carter, Harrison, Wahl, Gilman, Amthor.

- Present, Mexico: One or more Mexican officials named below.¹
3. Date and place: September 4 and 5, 1955, near San Fernando, Tamaulipas, Mexico.
Purpose: Conference with Mexican officials.
Present, United States: Swing, Carter, Quandt, Gilman, Harrison, Amthor, Hinton and Woolley.
Present, Mexico: See below.¹
4. Date and place: September 30 and October 1, 1955, Assiniboia, Saskatchewan, Canada.
Purpose: Conference on border problems with RCMP.
Present, United States: Swing, Carter, Brown, Pilliod, Farrell, Williams.
Present, Canada: Two RCMP officials.
5. Date and place: November 4 to 8, 1955, Matamoros, Tamaulipas, Mexico, and Monterrey, Nuevo Leon, Mexico, areas.
Purpose: Conference with Mexican officials and inspect Monterrey Bracero Center and operations.
Present, United States: Swing, Carter, Gilman, Harrison, Amthor, Woolley, Carnahan.
Present, Mexico: See below.¹
6. Date and place: December 2 to 4, 1955, near Matamoros, Tamaulipas, Mexico.
Purpose: Conference with Mexican officials.
Present, United States: Swing, Carter, Carnahan, Gilman, Harrison, Amthor, Wooley, Hinton.
Present, Mexico: See below.¹
7. Date and place: January 12 to 16, 1956, near Matamoros, Tamaulipas, Mexico.
Purpose: Conference with Mexican officials.
Present, United States: Swing, Carter, Carnahan, Marshall, Gilman, Harrison, Ball, Wooley, Amthor, Hinton.
Present, Mexico: See below.¹
- General Swing contended that these trips were for the purpose of consulting with Mexican officials on an informal basis and that hunting was done only incidentally. General Swing asserted the value of such informal contacts. He claimed that they had resulted in many important concessions from the Mexican Government to the advantage of the United States Government, and in greater cooperation from Mexican officials which had substantially assisted him in the Immigration Service operation on the Mexican border (p. 21).
- It should be noted and General Swing conceded (p. 142) that the above list of "officials" contains no person equivalent in rank to the United States Commissioner of Immigration and Naturalization. In addition, with the exception of a person listed as "chief, Mexican Border Patrol," the list does not contain a single Mexican immigration official.
- General Swing did make vague references to the Governor of a State of Mexico and also to a Mexican General (pp. 7, 9, 10, 11, 24, 25, 37, 41, 42, 43, 47, 50, 60). Upon close interrogation, however, he admitted that neither of these individuals ever attended his "official" hunting trips into the interior of Mexico. (Pp. 7-9.)

¹ Augusto Cardenas, mayor of Matamoros; Enrique Moreno Olaguibel, chief, Mexican Border Patrol; Ricardo Solezzi, chief of police, Matamoros; Pablo Macias Hernandez, chief of customs, Matamoros; Venustiano Guerra Garcia, Federal and State judge, Matamoros region; Dr. Pablo Balboa, Mexican Public Health Service; Antonio Guerra, Francisco Saenz, Emilio Carpio, Luis Garza Soto, Mexican customs officers.

Two of the sites selected for General Swing's "conferences" with Mexican "officials" were located in extremely isolated locations, excellent for hunting, but surrounded by chaparral, cactus, and sagebrush and accessibly, except by air, only by traveling 80 miles, in 1 instance, and 110, in another, over rough roads.

Regarding advance arrangements made for meeting with these Mexican officials, General Swing testified in connection with the September 1955 trip:

I didn't invite anybody. Let us say that these gentlemen all along were aware that I would be down about that time. I *hoped* they would come and talk with me, and they did (p. 60).

General Swing conceded that the time on these trips was not completely consumed by official conferences with Mexican dignitaries. With respect to entertainment, he said:

The entertainment, part of it is my personal [sic], and the men with me, is our personal business. We buy the beer, we buy the edibles, canned goods, and so forth, and I do not see why I and the officers with me cannot ask anybody they choose to sit down (p. 150).

The following further examination, however, brought forth that while the entertainment may have been General Swing's personal business, the expense was not:

Mr. MOLLOHAN. You mean you bought the foodstuffs and everything yourself?

General SWING. Yes.

Mr. MOLLOHAN. None of you were on per diem from the the Federal Government?

General SWING. Yes, we have to be on per diem on an official visit (p. 151).

It should be noted that Government equipment was used to transport the party to the hunting site and a Government-owned house trailer used to house the members of the party.

SEIZURE OF GUNS BY MEXICAN GAME WARDEN, SEPTEMBER 5, 1955

According to a deposition given by Adolph Amthor, border patrol investigator, and supplied to the subcommittee by General Swing's office: On September 5, 1955, three members of General Swing's hunting party, chief patrol inspector, George Harrison of the McAllen, Tex., sector, patrol inspector E. W. Woolley, and Adolph Amthor, were asked for their hunting licenses by Dionicio Ochoa, game warden for the San Fernando District, Mexico. Amthor described the incident as follows:

I advised the game warden that our permits were in another car which was not present at the site; that it would be back in a short time. He told me that he could secure proper permits for the party at a cost of approximately \$20 United States per person or a total of about \$180.

* * * * *

He first requested us to accompany him to San Fernando until he could produce the permits in our possession. Later, he agreed to hold three of the parties' guns as security that we would appear with the proper permits.

The estimate of \$180 for licenses indicates that 9 persons, or the whole party including General Swing, were still present or in the vicinity when the guns were seized. The reference to the licenses being in another car also points to presence of other members of the party being in the vicinity.

General Swing testified repeatedly that he had already left the camp at the time the guns were seized and that he had never seen the game warden and did not hear of the incident until about a month later:

I was gone. I never saw the game warden. * * * I was gone to the States by car (p. 26). "I learned (about) this a month or so later" (p. 10).

General Swing first testified that he hunted 2 full days on September 3 and 4 and left early in the morning on September 5 (pp. 66-67). However, later, he was reminded by the testimony of Mr. Dewitt Marshall, deputy chief of the border patrol, that he had attended a barbecue at McAllen, Tex., on September 3. The General then testified,

then this must be the 4th and 5th (p. 110).

His final testimony then was:

I was there two days. I say from the fact that we were at the barbecue (at McAllen, Tex.) on the 3rd, the two days I was there would have been the 4th and the 5th, leaving early on the 6th (p. 113).

On another occasion, he stated that the party broke up hurriedly and he left the camp after a border patrol plane dropped the hurricane warning (p. 11). This warning was dropped about 12 noon on September 5 (plane log).

General Swing repeatedly stated that the guns were taken from Amthor, Hinton, and Woolley (pp. 10, 40, 113). He testified that he had left for the States at the time the guns were seized by the game warden and that he did not learn of the incident until about a month later (pp. 10, 26).

At the request of the subcommittee, the General submitted a deposition from Amthor. Amthor stated he was present when the guns were seized on September 5; that he recovered them the next day on September 6 and returned to Brownsville on September 7.

However, the Brownsville Airport manager's office recorded Amthor as a passenger on a border patrol plane which left Brownsville on September 6 for Victoria, Mexico (p. 114). Obviously Amthor could not have been at the campsite and boarding a plane in Brownsville at the same time.

In an effort to reconcile these discrepancies, General Swing's office submitted the following information to the subcommittee on July 18, 1956:

On September 5, 1955, the helioplane cleared for Victoria, with the pilot alone, carrying a message regarding Hurricane

Gladys. The pilot dropped the message without landing and flew back to Brownsville. That same day General Swing, Mr. Gilman, and Mr. Amthor returned to the United States. On September 6, 1955, the helioplane again cleared for Victoria, this time with the pilot accompanied by Messrs. Gilman and Amthor and one Mexican official. Again the plane did not land but dropped a message to Messrs. Hinton and Woolley concerning road conditions resulting from the storm. The same day, September 6, 1955, Mr. Amthor returned to the campsite by jeep, saw the game warden, and obtained the three guns. All three men then returned to the United States on September 7, 1955, bringing the truck and trailer.

This clears up Mr. Amthor's statement except that he is now reported returning on September 5 with General Swing. All testimony and supplemental information received by the subcommittee up to July 23, 1956, agreed that Amthor was present when the guns were seized on September 5. However, if Amthor had left with General Swing, General Swing's statement that he had returned to the States at the time the guns were seized, is false. General Swing's repeated testimony that he left early in the morning on the 6th, after receiving a plane message warning of the hurricane, contradicts his statement that they left hurriedly after the warning was dropped (noon, September 5) and also contradicts the supplemental information which gives September 5 as the day of departure.

At 2 p. m. on July 23, 1956, General Swing had a letter hand delivered to the chairman which reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 23, 1956.

Hon. ROBERT H. MOLLOHAN,
House of Representatives,
Washington, D. C.

DEAR MR. MOLLOHAN: Upon my return to Washington I have reviewed the attachments to the letter of July 18th submitted to you by my executive assistant. A reading of the digest of additional information thereto attached, discloses a misconception which could be drawn from the recital: "That same day (September 5th) General Swing, Mr. Gilman, and Mr. Amthor returned to the United States."

A more detailed statement of the events of that day follows:

"On September 5, 1955, the helioplane cleared for Victoria, with the pilot alone, carrying a message regarding Hurricane Gladys. The pilot dropped the message without landing and flew back to Brownsville. In the forenoon of that day I crossed back into the United States, accompanied by Gilman, Carter, and Quandt, departing Brownsville at 2 p. m. for Washington, D. C. I was in my office in Washington on September 6th. After my departure occurred the incident with the game warden, Ochoa, described in more detail in Mr. Amthor's affidavit. Shortly after this event, in the afternoon of September 5th, Mr. Amthor crossed into the United States by car. Amthor flew back over the campsite in the helioplane that same afternoon, and after returning to Brownsville without landing, again returned to the campsite by car that evening."

Of further interest in clarifying the situation, there is attached a recently made photograph of me to which Game Warden Ochoa has signed the following (translated) statement on the reverse:

I hereby certify by my signature and my seal of office that I have never seen the person here photographed.

Sincerely yours,

J. M. SWING, *Commissioner.*

This July 23 recital flatly contradicts the submission made on July 18, in placing General Swing's departure in the forenoon of the 5th instead of the 6th. This forenoon departure is contradicted by the log of the plane which dropped the hurricane warning about 12 noon on the 5th. If the log is correct, the General could not have departed until the afternoon.

It also substitutes Mr. Carter (Chief of the United States Border Patrol) and Colonel Quandt as his traveling companion in place of Amthor. Amthor is reported to have driven back to Brownsville in the afternoon. This is a 110-mile trip over very rough roads. Thus, Mr. Amthor on the afternoon of the 5th had his gun taken by the game warden, drove 110 miles to Brownsville, flew back to the campsite, returned to Brownsville, and then drove a jeep 110 miles back to the campsite. However, there is no record of this second plane flight into Mexico either on the plane log submitted by General Swing or at the office of the manager of the Brownsville airport which clears all plane flights into Mexico.

On the basis of information made available to date by General Swing, the subcommittee is at a loss to resolve the doubts arising from the foregoing welter of conflicting, sworn statements and documentary evidence.

Further contributing to this confusion, General Swing, at the last minute, submitted in his own behalf an affidavit by Game Warden Ochoa, despite the fact that during the hearing Swing had impugned his character and later charged him with soliciting a bribe.

Attention must also be given to General Swing's assertion concerning his "observance" of Mexican hunting laws.

When asked if he had the necessary hunting licenses, General Swing testified as follows:

General SWING. I considered myself fully equipped with all the documents. Might I say that even while I was in the Army, I used to hunt a lot in Mexico all the time and it never entered my head that we didn't have all the proper documents. When it did, why of course, the officers took immediate steps to rectify the situation.

Mr. PLAPINGER. Was there any attempt to obtain the permits in any other place, in Reynosa, for instance?

Mr. SWING. We had the proper documents for Reynosa.

Mr. PLAPINGER. That had been arranged for you by General Zamora.

Mr. SWING. The Governor had arranged through this General Zamora.

Mr. MOLLOHAN. Were those documents in your possession?

Mr. SWING. Yes.

Mr. MOLLOHAN. What did they consist of? Were they gun permits, a license to hunt, were they a letter permit?

Mr. SWING. You have a gun permit and a license of some kind.

Later, General Swing asserted that "when you are a guest invited there by the Governor of the State, it is not necessary to have documents. I could go down tomorrow without any documents and hunt in Tamaulipas, or in any other of the States along there, because I am known to the officials. The officers there did think they had some documents, but they weren't necessary." (p. 50.) The General's confidence (or possibly that of his subordinates) in this assertion was not apparent on November 26, 1955, less than 3 months after this incident. On this occasion, the game warden in Matamoros issued hunting licenses to General Swing, Harlan Carter, Leonard Gilman, and George Harrison, and import permits for seven guns (p. 136).

Later in his testimony, he admitted "I never had a piece of paper in my own possession" (p. 63). "* * * Mr. Harrison (Chief Patrol Inspector at McAllen) undoubtedly had some documents * * *. The only question I asked was, 'is everything ship-shape?'" (p. 64).

Following the hearing, General Swing supplied the documents which had been in possession of the party on the September 4-5 hunt. They consisted of five individual permits to enter the country with a gun (identified by serial number) and had been issued to Messrs. Joe Swing, Douglas Quandt, H. B. Carter, George W. Harrison, and David Carnahan. (Carnahan's name, incidentally, does not appear as on the list of the September hunting party. Apparently, Amthor, Woolley, Gilman, and Hinton had no documents at all. There were nine guns in the party (p. 112). The permits specifically state that the holder may hunt "*upon permission from the Forestry Bureau of Hunting and Fishing.*" Information from the Mexican consul in Washington states "there are special local and district offices from which licenses may be obtained."

Although General Swing alleged that he and his party were guests of the Governor, it seems strange that they did not have a letter or document so stating which could be presented to any official in the State. No documents were offered to the game warden in San Fernando. Amthor stated that the game warden offered to issue the necessary permits for about \$20. (According to the Mexican Embassy, Mexican law requires a fee of \$19.40 for a hunting permit.)

This offer was refused by Amthor as "an improper attempt on the game warden's part to obtain money not justly due him or the Mexican Government." (Amthor deposition.) General Swing described it as an attempt to get "mordida"—or a "bribe," (p. 10) though the amount requested was equivalent to the lawful hunting license fee.

In the absence of any documents, the game warden, in the course of his duties, took up the three guns.

General Swing testified that "* * * the officers * * * immediately wired the Governor, who had gone to Mexico City and this General Zamora. General Zamora wired his opposite number in this district below Brownsville that we were there at the Governor's invitation. The Governor wired the game warden that our papers were in order and that the guns should be returned, and I am told, he transferred

the game warden out of that area for—well, it was considered quite rude, because everyone else knew we were guests of the Governor” (p. 10).

General Swing agreed to furnish the subcommittee with a copy of the Governor's telegram to the game warden ordering the return of the guns. However, it has not been made available and it can only be conjectured as to how the Mexican officials extricated the General and his party with the least strain on American-Mexican relations (p. 112).

DAMAGE TO TRAILER

The subcommittee also received reports that during this September hunting trip, General Swing's house trailer suffered extensive damage requiring over a week's repair work at the McAllen Border Patrol Center.

General Swing testified that the damage to the trailer was very minor (p. 117), a “broken hitch” and “the mesquite scratched the side” (p. 51). Mr. Marshall, Deputy Chief of the Border Patrol, stated that Mr. Anthor had reported the damage as, “it was scratched, it had some paint scratched off the side of it” (p. 52). Specific records on the repairs were requested and a purchase order for \$44.75 was supplied—replacements for 5 awnings, 1 window unit, door handle, and clearance lights. A further bill for 2 sheets of aluminum, 3 feet by 10 feet, at \$38, was reported. No record of man-hours was supplied to show the extent of the work performed at the McAllen Center. It would appear that the damage was somewhat more extensive than scratched paint.

USE OF AIRPLANES ON THE HUNTING TRIPS

During the September 1955 trip, two airplane flights were made to the campsite at San Fernando. Subcommittee investigators found Mexican customs clearances and flight plans for this destination in the office of the Brownsville Airport. However, the flight log submitted by the Immigration and Naturalization Service lists the flight on September 5 as Brownsville to Brownsville and the September 6 flight as McAllen to Brownsville, both flights being described as local.

On November 4-6, General Swing hunted at the ranch of Don Simon Garcia. He hunted there again on December 2 to 4 and a third time from January 12-15, 1956. This site was particularly convenient for airplane use as a natural landing field—a dry lakebed—was immediately adjacent to the campsite. The General admitted to using the helicopter on the January 1956 trip. A border patrol plane was reported to the subcommittee to have been seen there also in late November 1955, presumably in connection with the early December 1955, trip. However, General Swing, while testifying, stated that he had not gone on this trip though it had been planned. Information submitted by his office subsequently confirmed that he had hunted at Don Simon Garcia's ranch in early December.

OPERATION ALERT, JUNE 1955

Operation Alert held on June 15, 16, 17, 1955, was intended to be a simulation of a surprise enemy attack on Washington and an emergency relocation in other cities of Federal agencies. Following this

operation, the subcommittee received information that General Swing, because he was dissatisfied with local hotel accommodations, had ordered two house trailers to be hauled from Brownsville, Tex.—some 1,700 miles from the relocation center—and a third from Miami, Fla., a distance of more than 1,200 miles. The trailers were reported to have traveled night and day to reach the site on time. All three trucks needed alterations and repairs on arrival.

A call to General Swing's office brought the response that no information could be given concerning the incident as all information pertaining to Operation Alert was classified. It should be noted that Operation Alert was well publicized by the press and only the relocation site of the agencies was not reported.

General Swing was questioned concerning this incident. He testified that "they (the house trailers) are used to house these officers who are charged with the security of the whole Attorney General's relocation and it is quite necessary that they be there because, unfortunately, the relocation center does not have many accommodations" (p. 146).

Since the hearing, affidavits as to the availability of accommodations have been secured by the subcommittee from the managers of two hotels in the city which served as the relocation center. One hotel reported 50 rooms available on June 15; 54 rooms on June 16, 57 rooms on June 17. The manager of this hotel reported no request had been received for accommodations for United States officials for the above-mentioned dates. The second hotel reported no rooms available on June 15; 11 rooms on June 16; 48 rooms on June 17.

The general's observation that "unfortunately the relocation center does not have many accommodations" seems open to question. The 3 trailers could accommodate 12 persons (p. 13). There were over 50 hotel rooms available.

THE ATTORNEY GENERAL LETTER

On June 21, 1956, the Attorney General addressed a letter to the chairman of the Committee on Government Operations protesting that committee representatives—

were investigating allegations of misappropriation of funds by Gen. Joseph M. Swing (retired), Commissioner of the Immigration and Naturalization service * * *.

You have my assurance that if there are any such matters which require investigation in possession of your committee and you bring them to my attention, I will have them thoroughly investigated by the FBI and a report made to you concerning the result thereof.

The letter was referred to the chairman of this subcommittee for reply, and on July 2, 1956, wrote the Attorney General. The reply is quoted here in part:

As you are undoubtedly aware, the Government Operations Committee is charged with determining efficiency and economy of operation of executive agencies. In the discharge of my responsibilities as chairman of this subcommittee, and in accordance with a unanimous resolution of the subcommittee, I authorized Mr. Johnson, subcommittee staff

director, and Mr. John L. Anderson, staff investigator, to proceed to Texas recently to investigate the authenticity of information received by the subcommittee on irregularities in the Service originating in that area.

* * * * *

Each Service employee interviewed was told specifically that the subcommittee was investigating reports concerning the use by General Swing of Government vehicles on hunting trips to Mexico. Implicit in such a statement is the misapplication of Government property bought obviously with appropriated funds. I find it difficult to believe that stated honesty of purpose of the investigation constitutes an impropriety. I am satisfied that the investigation was handled with complete propriety.

I am happy to note your offer to make an FBI investigation of the matter and make the FBI report available to the subcommittee. While the subcommittee is in the process of discharging its duties, I see nothing inconsistent in the FBI undertaking an investigation of the same matter. In fact, I welcome your cooperation in this regard. I am pleased also to note the apparent departure, at least in one respect, from executive branch inhibitions on making information available to congressional committees which are set forth in your 1954 memorandum to the President.

At the time of this report, no reply has been received from the Attorney General, nor has any report been received on the findings of the FBI to indicate that the Attorney General has ordered an investigation.

CONCLUSIONS AND RECOMMENDATIONS

1. General Swing's protestations that his hunting trips were organized primarily for conferences with Mexican officials and only incidentally for pleasure, are less than convincing. His references to conferences with Mexican officials were vague. In one instance, he admitted that he had not invited, but hoped Mexican officials would come to his camp.

2. General Swing's hunting trips must be regarded improper and unnecessary, contributing little, if anything, to the effectiveness or efficiency of his agency's operation. His use of Government equipment and Government personnel was an improper use of appropriated funds.

3. General Swing's ordering the movement of 3 trailers over 1,500 miles to the Department of Justice relocation center during Operation Alert in June 1955, when adequate hotel facilities were available, must be regarded as an unwarranted waste of United States Government funds as well as a complete operational absurdity. Should an atomic attack on Washington ever occur, it is unlikely that the enemy will give several days warning to enable General Swing to arrange things for his maximum comfort and convenience.

4. We recommend that the General Accounting Office conduct an extensive survey of the expenditures of the Immigration and Naturalization Service. Congress has been more generous in appropriating funds for the Service under General Swing than with any previous

Commissioner. The Service, under General Swing, has been credited with a highly effective border patrol operation, but the results of this hearing indicate misuse of Government equipment, personnel, and the drawing of per diem allowances when on hunting trips.

5. General Swing's outright denial of the trip in December 1955 and his omission of the one a year earlier could ordinarily be attributed to mere lapses of memory. However, elaborate arrangements were required in each case, and the later one occurred only 7 months prior to Swing's appearance before the subcommittee. Furthermore, the admissions were forthcoming only after confrontation of General Swing with factual information. Considering General Swing's testimony as a whole, it should be pointed out that these additional trips had not been reported voluntarily to the subcommittee before further inquiry, even though some 10 days had elapsed since the hearing.

6. Much of his testimony is replete with conflicting and incompatible statements. The material prepared from his personal papers flatly contradicts his own testimony. The deposition from Adolph Amthor submitted by General Swing and the other belated submissions add even more to the confusion in the conflict of statements.

7. In light of the information brought forth in this inquiry, it is recommended that the Attorney General carefully examine the record of this hearing. It appears to the subcommittee that the conduct of General Swing, through his activities and also through his lack of candor during these hearings, is not consistent with the conduct which one associates with the high office of Commissioner of Immigration and Naturalization.

○